

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SKETCHWORKS INDUSTRIAL
STRENGTH COMEDY, INC.

Plaintiff,

V.

JAMES H. JACOBS, AS TRUSTEE OF THE
JAMES H. JACOBS TRUST, and VANGUARD
NATIONAL TRUST COMPANY, N.A., AS
TRUSTEE UNDER THE WILL OF WARREN
CASEY

Case No. 1:19-cv-7470 (LTS)

**DEFENDANT VANGUARD NATIONAL TRUST COMPANY, AS TRUSTEE UNDER
THE WILL OF WARREN CASEY'S JOINDER IN MOTION TO DISMISS
FILED BY JAMES H. JACOBS AS TRUSTEE FOR THE JAMES H. JACOBS TRUST**

Defendant Vanguard National Trust Company, as Trustee under the Will of Warren Casey ("VNTC"), by and through its undersigned counsel, hereby joins in the Motion to Dismiss the Amended Complaint Pursuant to Rule 12(b)(1) and accompanying Memorandum of Law filed by James H. Jacobs as Trustee for the James H. Jacobs Trust (the "Jacobs Motion") and moves to dismiss the Amended Complaint for the same reasons set out in the Jacobs Motion. As explained in the Jacobs Motion, Plaintiff's claims for declaratory judgment are moot as the cease and desist letter upon which the Amended Complaint is based was unconditionally withdrawn. The Court therefore lacks subject matter jurisdiction and should dismiss the Amended Complaint pursuant to Rule 12(b)(1). Alternatively, the Court should dismiss the Amended Complaint pursuant to its discretionary authority under the Declaratory Judgment Act. VNTC joins, adopts and incorporates by reference all of the arguments, exhibits and declarations set forth in the Jacobs Motion.

Respectfully submitted,

/s/ Kenneth J. King

Kenneth J. King, Esquire
Pepper Hamilton LLP
The New York Times Building
37th Floor
620 Eighth Avenue
New York, NY 10018-1405
(212) 808-2700
kingk@pepperlaw.com

Dated: November 8, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendant Vanguard National Trust Company, as Trustee Under the Will of Warren Casey's Joinder in Motion to Dismiss Filed by James H. Jacobs as Trustee for The James H. Jacobs Trust was served on this 8th day of November, 2019, by electronic mail upon:

Jordan D. Greenberger
J. Greenberg, PLLC
500 Seventh Avenue
8th Floor
New York, NY 10018
jordan@jgreenbergerlaw.com

Attorney for Plaintiff

Howard J. Schwartz, Esquire
P.O. Box 6344
Monroe, NJ 08831

Attorney for James H. Jacobs, as Trustee of the James H. Jacobs Trust

/s/ Kenneth J. King

Kenneth J. King